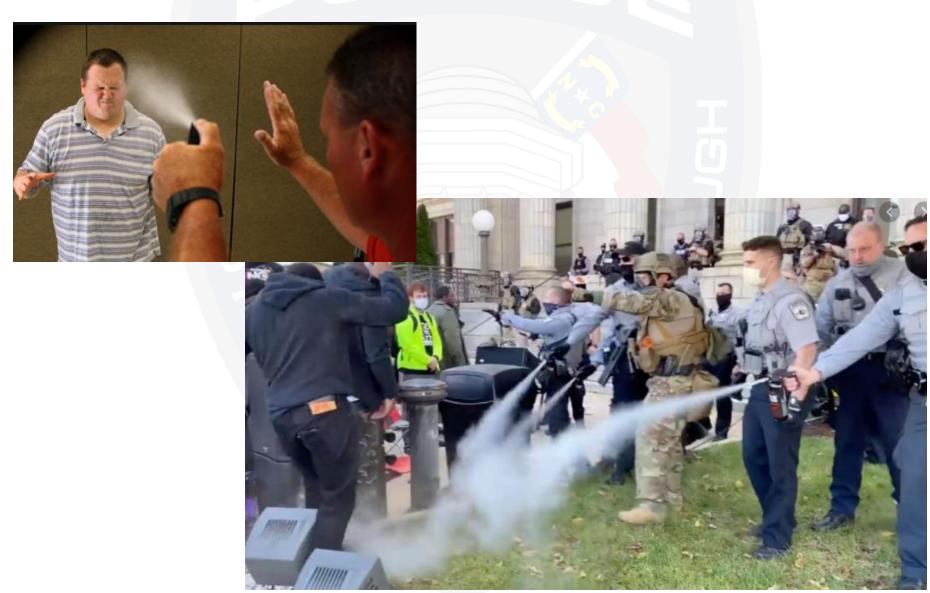
5-13-21 MTFRPS Presentation on HPD Use of Force





























HPD Use of Force Policy

The Hillsborough Police Department requires all members to:

- Exhaust reasonable options to achieve voluntary compliance from a citizen before any kind of active force is used;
- Use only the amount of force that is reasonably necessary to achieve the officer's lawful goals; and
- Deescalate the level of force being used as soon as possible when the situation warrants.

Legal Authority can be found in NCGS 15A-401

Resistance

- Passive Resistance
- Active Resistance
- Assaultive Behaviors
- Serious Bodily Harm and Deadly Force

Appropriateness of Using Force

"SAFE" Model

- Security
- Attack
- Flight
- Excessive repetition

NOTE: The choice of force option must always be reasonable and proportionate to the danger or situation the officer is facing. For example, the amount of force that is reasonable to protect property is less than what might be reasonable in response to a dangerous threat.

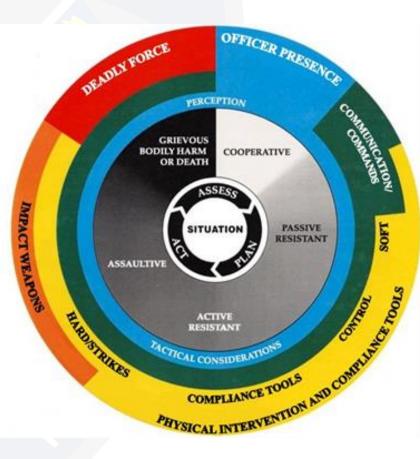
Use of Force Continuum

- Presence and Communication
- Verbal commands
- Soft hand guidance
- Physical Intervention and Compliance Tools
 - Control techniques
 - Less-Lethal
 - Hard hands
- Impact weapons
- Deadly Force

The concept of a "continuum" in Use of Force is often misinterpreted as requiring a strictly linear progression. The force chosen by an officer must be based on the resistance they encounter and may move up, down and skip options. Additionally, some tools and techniques may fit in multiple levels depending on the situation.

Use of Force Continuum

Officers must choose the most appropriate level of force based on the situation they are facing and their training and experience. The force option selected must be reasonable, appropriate and proportional to the level of resistance an officer is encountering or reasonably believes imminent. This graphic is included as a guide to help officers understand the selection of the appropriate level of force in response to resistance and aggression



Preventative Display

During the course of their duties, it is reasonably anticipated that officers may face situations that require the display of a level of force when confronted by an unknown potential threat even when a direct observable threat may not be present. These Preventative Displays of Force are permitted when officers face potential dangers due to the unknown nature of a situation, even though a visible threat is not present, to allow an officer to respond to a situation that could conceal hidden dangers quickly.

Examples of these situations include:

- Searching a building after a break in or felony crime is discovered;
- Searching the woods or a structure for a suspect who is fleeing or hiding;
- Conducting a high-risk vehicle stop;
- At the end of a foot or vehicle pursuit when the suspect has stopped fleeing.

Displays of Force – Circumstances 2019-2020

Circumstance	Display	
Assault suspect reach into pockets and ignored commands.	Handgun	
Subject trying to flee after pursuit and crash.	Handgun	
Detaining possible Motor Vehicle Theft suspect – subject would not take hands out of pockets. Had a gun in his pocket.	Handgun	
Wanted subject fled into house and was found hiding in a closet.	Handgun	
Arresting violent wanted subject who had a knife.	Handgun/Taser	
Known violent suspect moved aggressively toward officer.	Handgun	
Detaining domestic suspect reported to have a knife.	Handgun	
Wanted subject ran from OCSO and was hiding.	Taser	
Encountered person while searching for robbery suspect – guns displayed but not pointed.	Handgun	
Wanted subject known to be violent hiding in house.	Handgun	
Arrest of wanted subject in a stolen car.	Handgun	
B&E suspect hiding in woods alleged to have a knife	Taser	
Searching residence after alarm and finding open door. Encountered homeowner.	Handgun	

Less-Lethal Provisions

Unless some kind of exigency exists:

Taser should not be used:

- People 65 or older
- Women who may be pregnant
- Visibly Frail persons
- Anyone in control of a vehicle
- On head/neck/genitalia
- On any person who is in a position which creates the likelihood of significant additional injury other than those effects reasonably anticipated due to the use of the aerosol spray

Pepper Spray should not be used:

- People 65 or older
- Anyone in control of a vehicle
- On any person who is in a position which creates the likelihood of significant additional injury other than those effects reasonably anticipated due to the use of the aerosol spray

CEWs and Aerosol Sprays shall only be used in situations where the subject poses an immediate and continuing danger, or to stop the flight of a subject who is trying to avoid arrest and who the officer can reasonably articulate presents a risk to the safety of the community or others if not immediately apprehended. Non-compliance and non-violent physical resistance do not necessarily create this immediate and continuing danger. CEWs and Aerosol Sprays shall not be used on a subject who physically resists in a non-violent manner, unless the situation is such that an officer could reasonably conclude that the resistance presents some immediate danger, despite his/her non-violent character

Special Situations and Specific Prohibitions

- 1. WARNING SHOTS MAY NOT BE FIRED IN ANY SITUATION.
- 2. FIRING AT OR FROM MOVING VEHICLES IS PROHIBITED except where the officer reasonably believes there is an imminent threat of death or serious physical injury to himself or a third person if the officer does not do so, and that such action is the only reasonable means of protecting himself and/or a third person.
- **3. CHOKE HOLDS** and similar techniques which restrict a person's ability to breathe or interrupt the flow of blood to the brain ARE PROHIBITED UNLESS DEADLY FORCE IS AUTHORIZED.
- **4. HEAD BLOWS WITH IMPACT WEAPON**: The use by an officer of a baton or other impact weapon to strike an intentional blow to a person's head is prohibited unless deadly force is authorized.
- **5. HANDCUFFED SUSPECTS**: Officers may not physically strike a handcuffed, in-custody suspect unless that suspect is combative and there is no available alternative to control the suspect. A Taser or pepper spray may be used on a handcuffed subject only in extreme circumstances in which the subject is displaying assaultive behaviors and attempting to physically restrain the suspect will likely result in a physical injury to the officer.
- **6. DISPLAY AND BRANDISHMENT**: Except for general maintenance, storage, inspection or authorized training, officers shall not draw, point, or exhibit their firearm, CEW (TASER), aerosol spray (pepper spray) or other weapon unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with the law and Departmental policy.
- **7. WEAPONS AND DEVICES PERMITTED**: Officers may carry and use only those weapons and control devices which have been issued by the Hillsborough Police Department, or which have been specifically authorized in accordance with departmental directives.
- **8. UNCONVENTIONAL METHODS**: When an officer reasonably believes that they are being overpowered and/or that serious physical injury or death are imminent, they may use any methods, regardless of how unconventional, to protect their life.

Post Use of Force

- First responsibility is to seek medical attention for anyone injured
- Notify supervisor and secure the scene
- Collect evidence/Photographs
- Command notification
- Reporting

Reporting

- Verbal commands
- Soft hand guidance

Where Reporting/Review is required

- Physical Intervention and Compliance Tools
 - Control techniques
 - Compliance tools
 - Hard hands
- Impact weapons
- Deadly Force

Reporting/review is required:

- Uses force beyond the level of soft-hand guidance;
- Uses force and an injury is sustained or alleged;
- Deploys a police canine in an attempt to actively apprehend (not merely track) a suspect;
- Displays and threatens the use of a Taser, pepper spray, impact weapon or firearm.
- Discharges their duty firearm, regardless of intent or their duty status. (Exception: approved and appropriate firearms training and range activities.)

Review

Steps we are using to review incidents include:

Supervisor review

- Observations and information collected at the scene
- Visual inspection of suspect and officer for injuries
- Interviews officers
- Review all written documentation
- Review any audio/video recordings
- Ensures all reporting is completed and forwarded

Command review

- If a serious injury is involved, will respond to scene
- Reviews all written documentation and reviews in-car or body worn cameras.
- Conduct additional and follow up interviews as needed
- Examines compliance with policy and reasonableness and checks for PEWS issues.

Final Authority

Chief of Police makes final determination

What do we look for when we do a Review?

- 1. Were the officer's actions reasonable based on the situation they faced and information they had at the time?
- 2. Were the officer's actions within policy and expectations?
- 3. Does policy adequately cover the situation the officer was facing?
- 4. Are there other issues or possible policy violations not related to the use of force?
- 5. Are there training opportunities related to the use of force different tactics or approach that could be tried to mitigate the need to use force?
- 6. Are there training opportunities related to other aspects of officer's performance?
- 7. Are there department-wide training needs that can be identified as a result of incident?

Officer-Involved Shootings and Deadly Force Events

- Initial Response
- Criminal Investigation conducted by the SBI. If the deadly force involved the use of a vehicle, NCSHP may be involved.
- Administrative Investigation conducted by the department focused on looking at appropriateness of the officer's actions based on policy
- Administrative Leave
- Critical incident de-briefing

Use of Force Training

- 1. Annual In-service training
- 2. Policy review, sign off and testing
- 3. Use of Force topics are part of regular squadbased
- 4. Training is a component of use of force reviews
- 5. De-escalation training and verbal judo
- 6. Mindfulness training
- 7. Hands on scenario-based training
- Responding to use of force is part of supervisor training and part of supervisor selection process



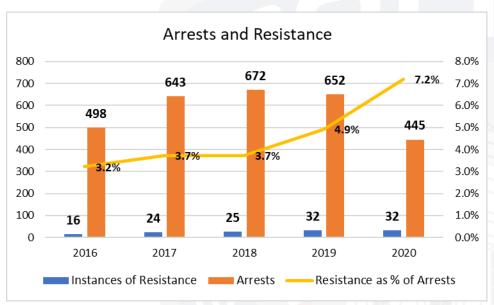
Question to consider...

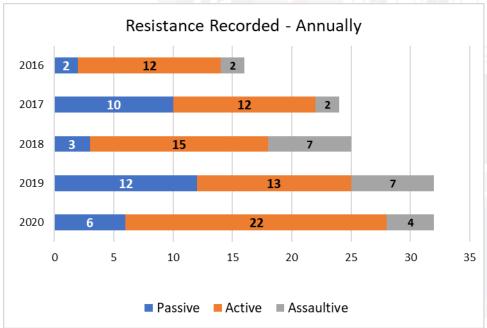
If police officers arrest 100 people for various offenses over the course of a year, how many times do you think they would encounter some kind of resistance?

Data on this question is virtually non-existent...

- 2003 study of 3,544 police-suspect encounters from Indianapolis (IN) and St. Petersburg (FL) showed suspects displayed resistance in 12% of encounters.
- 1999 NIJ study found that 18.9 percent of arrests entailed physical force or the display or threatened use of any weapon
- A 2008 Study using data from the Police-Public Contact Survey (PPCS) and the Survey of Inmates in Local Jails (SILJ) estimated that the police use or threaten to use force in 20.0% of all arrests.

Arrests and Resistance





NOTE: Using arrest as a comparison is an imperfect number as on average only about 68% of the incidents reviewed result in an arrest. Below is the summary of 2020 incident results.

2020 (33 Incidents)						
Arrest	21					
IVC	6					
No Action	3					
OCPAD	1					
Citation	1					
Medical	1					

69% increase in active resistance in 2020 compared to 4-year average

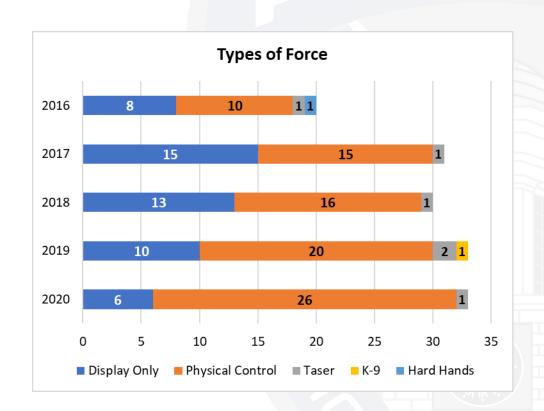
USE OF FORCE SUMMARY

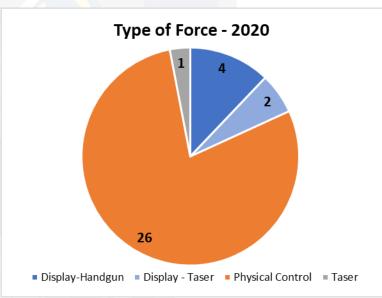
	Reviews	Uses of Force	Preventative Displays Only	# of Arrests	UofF w/ Citizen Injury	UofF w/ Officer Injury	Force Incidents as % of Arrests	% arrest resulting in Injury
2010	12	12	n/a	513	2	1	2.3%	0.6%
2011	7	7	n/a	503	1	0	1.4%	0.2%
2012	5	5	n/a	520	2	1	1.0%	0.6%
2013	8	8	n/a	567	3	2	1.4%	0.9%
2014	9	9	n/a	496	1	1	1.8%	0.4%
2015	16	10	6	552	0	1	2.8%	0.2%
2016	20	12	8	498	2	1	4.0%	0.6%
2017	31	14	17	642	3	5	4.8%	1.2%
2018	30	16	14	672	3	2	4.5%	0.7%
2019	33	23	10	652	6	1	5.1%	1.1%
2020	33*	27	6	445	3	3	7.4%	1.3%

Note on Injuries: Suspect injuries from 2016-2020 were limited to minor abrasions and scrapes. Officer injuries during that period included 2 where the officers briefly were out of work, and one that was out for significant time due to surgery.

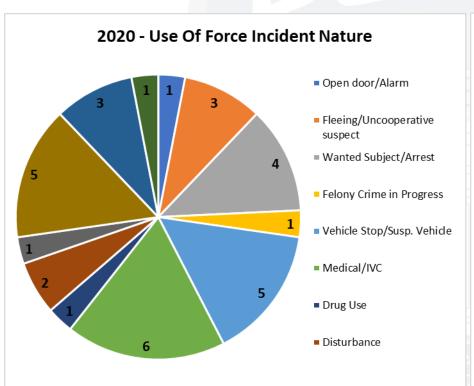
^{*} There were 35 total reviews - 2 were determined not to be uses or displays of force.

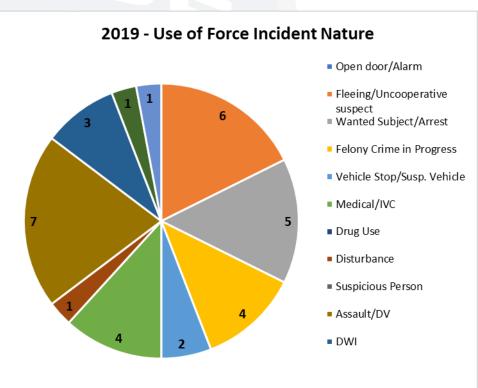
Types of Force





Nature of Events that Lead to Force Incidents





NOTE: As with other areas, the classifications here are imperfect. The nature of an event or what ends up resulting in a use of force can change over the course of an incident. Example: Officers may respond to a disturbance, arrest someone with a warrant, and then that person decides to refuse to walk from the MO to the jail resulting in officer having to physically move the person (hence, use of force). How should that be reflected?

Demographics

NOTE: Some force incidents involve multiple subjects.

